

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

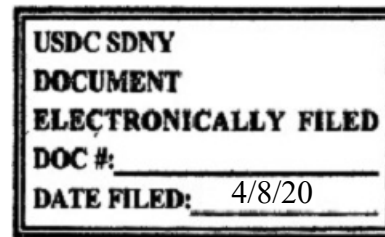
JOSE CARRASCO,

Petitioner,

-against-

CHRISTOPHER MILLER, *Superintendent of
Great Meadow Correctional Facility,*

Respondent.



17-CV-7434 (AJN) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed *pro se* petitioner's letter-memorandum filed April 7, 2020 (Dkt. No. 55), reporting that on or about December 12, 2019, the Hon. James McCarty, Justice of the Supreme Court of the State of New York, Bronx County, dismissed the charges brought against petitioner under indictment no. 2742-03. According to petitioner, that "indictment was relied upon by the People to adjudicate petitioner a second violent felony offender" in the separate conviction at issue in this *habeas* proceeding. Petitioner also asserts that he "raised in the current application for writ of habeas corpus a ground which petitioner asserts the People in violation of Petitioner's due process rights relied upon the aforementioned dismissed indictment to further punish petitioner."

Attached to petitioner's letter-memorandum are (1) a Certificate of Disposition Dismissal, dated December 17, 2019, reflecting the dismissal and termination of all pending charges in case no. 2742-03 on December 12, 2019; (2) a Decision and Order of the New York Appellate Division, First Department, dated October 15, 2019, reversing petitioner's conviction and vacating his plea in case no. 2742-03, and remanding for further proceedings; and (3) a transcript of a December 12, 2019 proceeding before Justice McCarty, during which he dismissed the charges brought under indictment no. 2742-03.

It is hereby ORDERED that **no later than April 30, 2020**, respondent shall file a letter, not to exceed five single-spaced pages, responding to petitioner's letter-memorandum and the exhibits attached thereto, including what impact, if any, they have on petitioner's pending *habeas* petition.

It is further ORDERED that respondent shall promptly serve a copy of this Order on petitioner, and file proof of such service.

Dated: New York, New York
April 8, 2020

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge